

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE MONTOYA,

Defendant.

INDICTMENT

_____/

The Grand Jury charges:

COUNT 1

(Attempted Sexual Exploitation of a Child)

Between on or about June 6, 2023 and February 15, 2024, in Kent County, in the Southern Division of the Western District of Michigan,

JOSE MONTOYA

knowingly attempted to use a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and such visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce and transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

Specifically, the defendant attempted to use Child 1, who was approximately 3–4 years old, to engage in the lascivious exhibition of Child 1’s genitals or pubic area for the purpose of creating a video of the conduct. The defendant created the video using a

Samsung Galaxy S22 cell phone, which was manufactured in Taiwan, and transmitted the video to an internet-based file storage system.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256(8)(A)

COUNT 2

(Sexual Exploitation and Attempted Sexual Exploitation of a Child)

Between on or about August 4, 2023 and February 15, 2024, in Kent County, in the Southern Division of the Western District of Michigan,

JOSE MONTOKA

knowingly used and attempted to use a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and such visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce.

Specifically, the defendant used and attempted to use Child 1, who was approximately 4 years old, to engage in the lascivious exhibition of Child 1's genitals or pubic area for the purpose of creating a video of the conduct. The defendant created the video using a Samsung Galaxy S22 cell phone, which was manufactured in Taiwan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256(8)(A)

COUNT 3

(Sexual Exploitation and Attempted Sexual Exploitation of a Child)

Between on or about October 30, 2023 and February 15, 2024, in Kent County, in the Southern Division of the Western District of Michigan,

JOSE MONTOKA

knowingly used and attempted to use a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and such visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce.

Specifically, the defendant used and attempted to use Child 2, who was approximately 5 years old, to engage in the lascivious exhibition of Child 2's genitals or pubic area for the purpose of creating a video of the conduct. The defendant created the video using a Samsung Galaxy S22 cell phone, which was manufactured in Taiwan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256(8)(A)

COUNT 4

(Sexual Exploitation and Attempted Sexual Exploitation of a Child)

Between on or about November 22, 2023 and February 15, 2024, in Kent County,
in the Southern Division of the Western District of Michigan,

JOSE MONTOKA

knowingly used and attempted to use a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and such visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce.

Specifically, the defendant used and attempted to use Child 3, who was approximately 4 years old, to engage in the lascivious exhibition of Child 3's genitals or pubic area for the purpose of recording a video of the conduct. The defendant created the video using a Samsung Galaxy S22 cell phone, which was manufactured in Taiwan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256(8)(A)

COUNT 5

(Possession of Child Pornography)

On or about January 1, 2024, in Kent County, in the Southern Division of the Western District of Michigan, and elsewhere,

JOSE MONTOKA

knowingly possessed images and videos of child pornography that involved prepubescent minors, including, but not limited to, one or more of the visual depictions listed here by file name:

1. VID_20240101_201305_259.mp4
2. VID_20240101_201334_876.mp4
3. VID_20240101_201552_719.mp4
4. VID_20240101_201241_758.mp4
5. VID_20240101_194951_871.mp4

These depictions were transported using any means or facility of interstate commerce or in or affecting interstate commerce by any means, namely, over the internet. They were also produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including, but not limited to, a Dell Desktop Inspiron 24 computer, which was manufactured in China.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

FORFEITURE ALLEGATION

The allegations contained in Counts 1–5 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253. Pursuant to 18 U.S.C. § 2253(a), upon conviction of an offense in violation of 18 U.S.C. §§ 2251 or 2252A,

JOSE MONTOYA

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. §§ 2251 or 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to all counts, includes, but is not limited to, the following devices:

- Samsung Galaxy S22 cell phone (IMEI No. 353409200370159)
- Dell Desktop Inspiron 24 computer (Serial No. 4KP3B22)

18 U.S.C. § 2253

18 U.S.C. § 2251

18 U.S.C. § 2252A

18 U.S.C. § 2256(8)(A)

21 U.S.C. § 853

28 U.S.C. § 2461(c)

A TRUE BILL

MARK A. TOTTEN
United States Attorney

[/s/ Redacted]

GRAND JURY FOREPERSON



PATRICK J. CASTLE
Assistant United States Attorney